

**Securing Women's Access to Land:
Linking Research and Action**

**Action-oriented research and
Policy Influence for
Women's Access to Land in Africa.**

The experience of Uganda and Kenya

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This work was carried out as part of a 3-year collaborative project entitled 'Securing Women's Access to Land: Linking Research and Action', coordinated by the International Land Coalition (ILC - www.landcoalition.org), the Makerere Institute for Social Research (MISR) of Makerere University in Uganda and the Institute for Poverty, Land and Agrarian Studies (PLAAS) of the University of the Western Cape in South Africa. It was funded by IDRC. Its overarching aim was to learn from women and respond to their needs through applied research. The purpose of research carried out under this project was not only to provide evidence but also to build a platform to advocate for a transformative agenda that supports rural poor women to improve their access to and control over land and other natural resources, including through building linkages with the wider advocacy relationships and programmes of ILC.

Action-oriented research and Policy Influence for Women's Access to Land in Africa.

The experience of Uganda and Kenya

Learning Route



March 8 to 16, 2010

DESCRIPTION OF THE LEARNING ROUTE

Due to increased social awareness about the injustices arising from the blocks to women on using and accessing land, there is a continued need to explore ways and means that can enable the different stakeholders establish and get an in-depth understanding of the various factors that interplay to influence and accentuate the inability to own, use and even access land by women, which is a critical factor in the livelihood of rural territories.

Ensuring women's access to and use of land and territory is a thorny issue in developing countries in the southern hemisphere and attracts a lot of interest from the civil society who have undertaken several measures in trying to provide solutions, create a deeper understanding as well strategies to solve this intricate issue in different environments. A lot of progress has been done, nowadays almost every Constitution and Land Policy in Africa recognize equal rights for men and women, but the gap between the formal and customary law is still enormous, especially in the rural areas. The International Land Coalition (ILC), through the Project Securing Women's Access to Land: Linking Research and Action has developed several partners' research/action initiatives in 7 African countries to generate and capture good practices particularly around women's access to land in African communities. In this respect, the ILC teamed up with the PROCASUR Regional Corporation.

PROCASUR and ILC developed a Learning Route (LR) for 24 participants, with the theme "Action research and Policy Influence for women's Access to Land in Africa ,the cases of Uganda and Kenya" taking nine days (1st to 9th March 2010) involving six case studies (3 in Uganda, 3 in Kenya) that were selected for the peer to peer Exchange.

The main objective of this learning route was to analyze and think jointly, by considering the results of action research and influencing policy, the main obstacles to and opportunities for women's access to land, with emphasis on the identification of more effective strategies in improving the security of women's rights over land in different contexts. This was achieved within a wider examination of strategies for civil society engagement in the formulation of national land policies and laws.

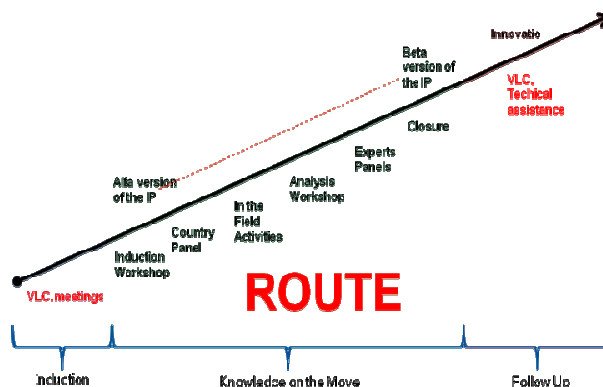
SELECTED STUDY CASES

Title	Organization	Country
Collaborative Action on Land Issues (CALI) Project	Uganda Land Alliance (ULA)	Uganda
Voices of Women's Aspirations over land and land matters: The case of Kibaale district	Uganda Rural Development Training Program (URDT)	Uganda
In-Roads into the implementation of the Spousal Consent Clause of the Land Act of 1998: A Case of Kayunga district	Foundation for Human Rights Initiative (FHRI) and Action for Human Rights & Civic Awareness (AHURICA)	Uganda
Kenyan node for the International Land Coalition	Kenya Land Alliance	Kenya
Assisting Kayole widows in access and control of family land	Young Widow Advancement Program (YWAP)	Kenya
Complimenting the State? The contribution of The "Watch Dog" Groups In Protecting Women' Land Rights in Gatundu district	GROOTS Kenya (KLA)	Kenya

METHODOLOGY

The LR followed a three stages strategy. First of all a **diagnosis stage**, where the critical areas to be addressed, the case studies and the profiles to target were defined; secondly the **preparation stage**, that included the participatory analysis of the action oriented research results by the experiences or case studies and the reinforcement of their knowledge exchange and training skills through several in the field workshops, also this stage considered an open call to ILC members from Africa to participate in the Learning Route, especially conforming teams of two persons by territory; the third stage was the **implementation stage**, where the 24 participants plus a technical and operational team of 4 travelled crossed Uganda and Kenya to meet the innovative experiences, thorough panels, interviews, field visit and informal exchange they get to know directly from the protagonists the main lessons in their fight for women access to land, also during the trip each team of participants developed an innovation plan, tool that help the process of capturing leanings, lessons and it adaption and adoption in the organizations and territories where the participants are coming from.

This report is part of the fourth and last stage, the **innovation stage**, thought to give the support to the participants and hosts from the LR to put into practice what they learned during the Route and to vitalize the social capital they also won, the main activity of this last stage is the Innovation Plan Contest (IPC) and follow up, where the different teams of participants compete for resources that allows them to start change processes. The resources are already allocated and ILC and PROCASUR are following the winners of the IPC to better understand the impact of the LR.



MAIN RESULTS

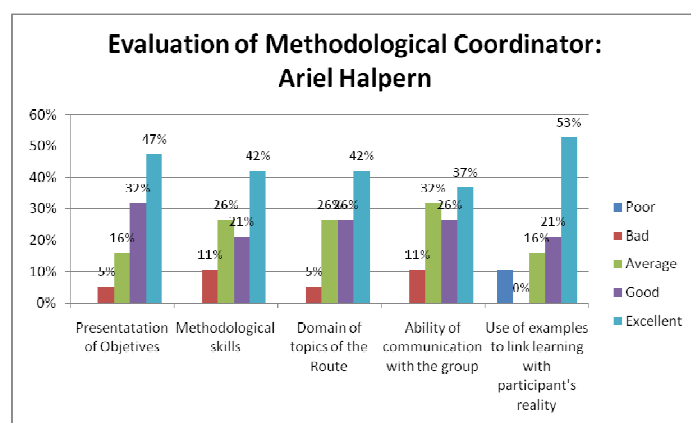
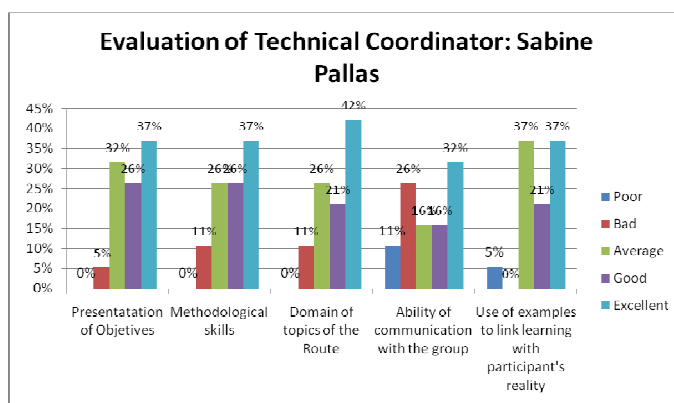
This was the first experience in using the LR methodology on this topic and in this region, expected results were related to: i) enhance understanding of key obstacles to women's access to land in various project sites, as well as of ways to influence policy-making, ii) learning on action-oriented research methodology: what works, what doesn't, iii) knowledge sharing within groups and with communities in project sites, iv) Building relationships between organisations involved in the project and ILC members.

Organizers and users of the LR consider that these results were achieved and even exceeded. The evaluation form completed by the participants the last day in the training combined with the ILC and PROCASUR internal evaluation evidence this.¹

Technical and operational team

For the LR ILC, PROCASUR and ULA teamed, playing a technical, methodological and logistic role respectively. Overall the participants evaluate positively the team performance, particularly in being able to adapt the contents, methodologies and examples to the different participants demand and learning rhythms. The Training Schedule of the LR was interpreted in a flexible way, allowing the team to guide the activity to the achieve the expected results.²

Organizers and participants also identified challenges to address in a next LR: i) improve logistical services, ii) improve balance between the number of study cases, length and time for reflexion and networking activities.

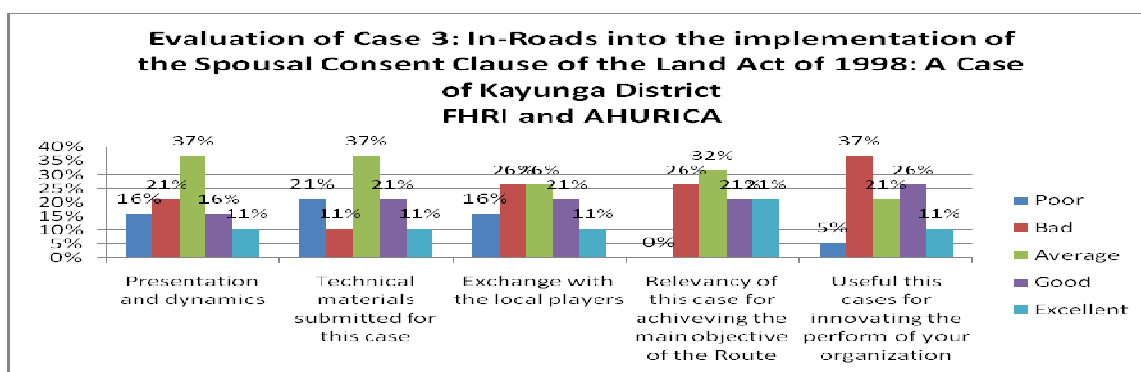
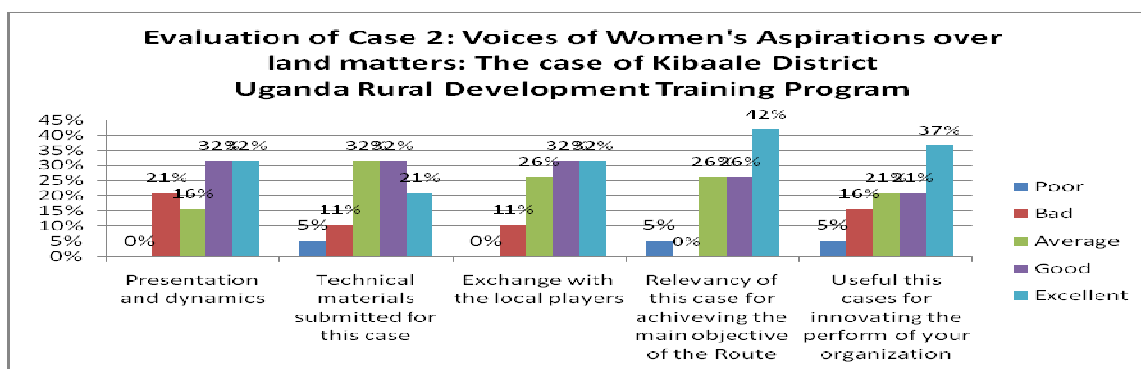
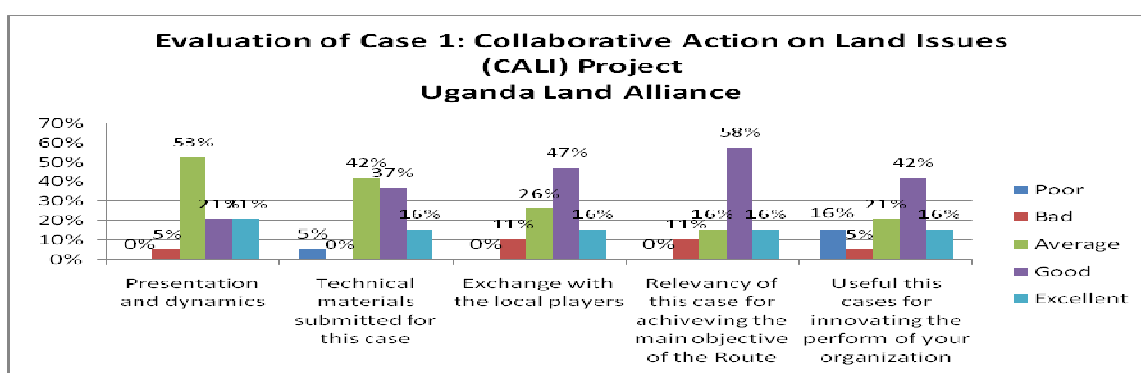


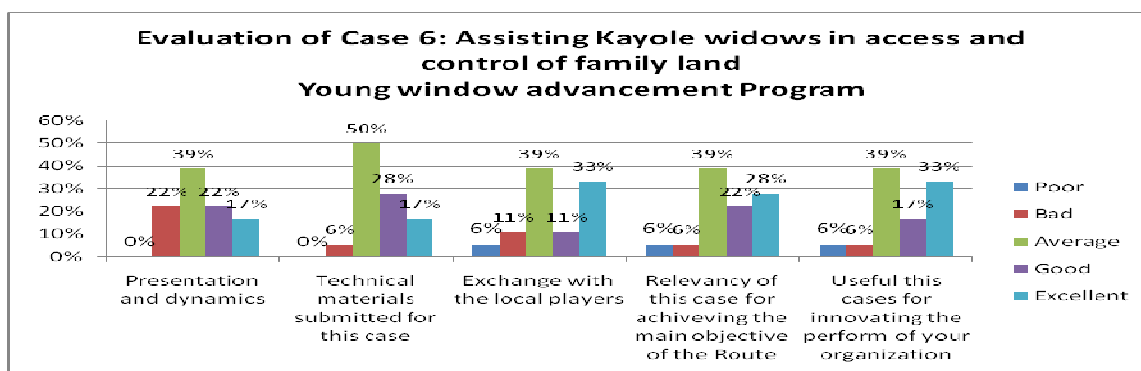
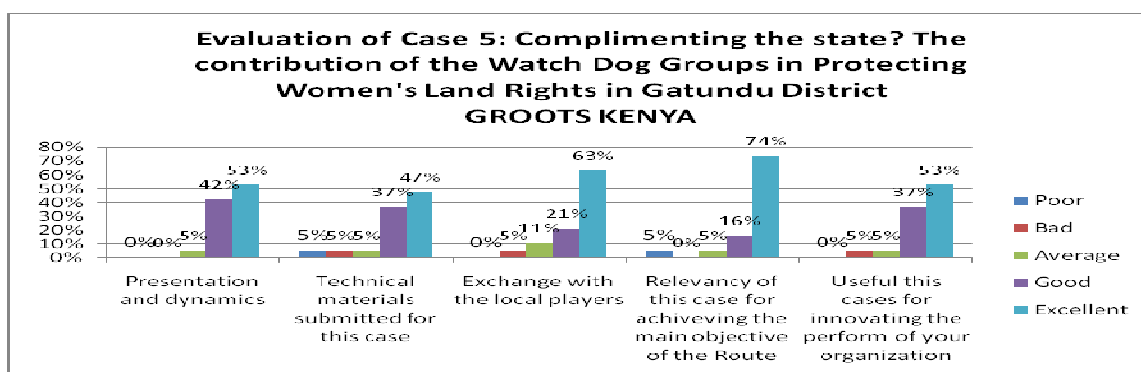
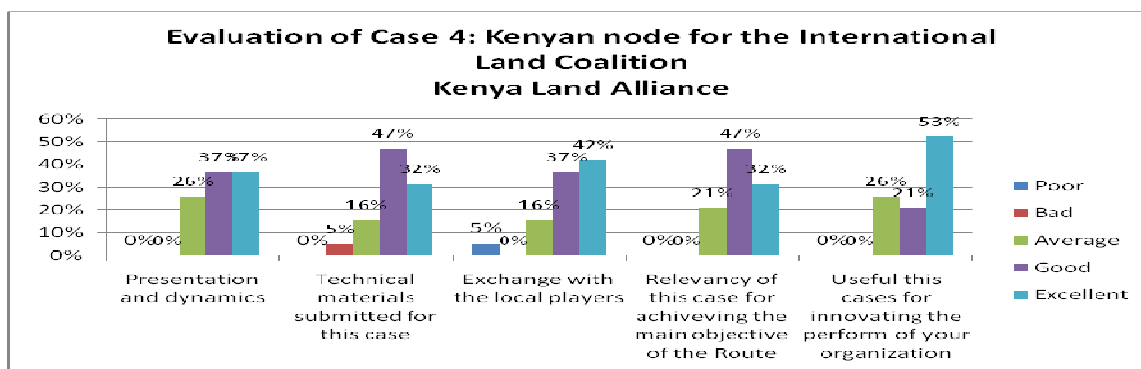
¹ See also *Travel Reporting Form* by Sabine Pallas from ILC, the *Experience from the African Learning Route* by Rowshan Jahan Moni from ARLDT, Bangladesh and *África, la de la esperanza y el desconsuelo* y Patricia Costas from Fundación Tierra, Bolivia.

² See Annex for the training schedule.

Study Cases

The participants in the LR appreciate positively each of the study cases that performed as hosts, even they recognize different maturity levels inbetween the experiences. The best evaluated are the Watch Dog Groups from Groots Kenya and the Visioning Approach from URDT in Uganda. It was highlighted that all the cases gave inputs for changemaking back in the organizations and territories from where the participants come from and that they were able to exchange this lessons. The opportunity of interacting with a broad number of stakeholders of every experience allowed the participants to compare their reality with the one they were visiting and distinguish the key of the success and challenges of different approaches, networks, strategies and external support. As well the different maturity conditions of these experiences.





The diversity of participants complemented step by step the cases studied, in that sense, the group also benefited indirectly from the lessons learned by the organizations where the other participants come from. For these porpoise formal and informal exchange activities were promoted to open broader discussions where other experiences, ideas, tools contributed to reveal the main topics and subtopic of the Route.

Topics and Sub-topics addressed by the LR

The table below shows the thematic chosen as guidelines across the LR: from the design, following with the participatory documentation of the experiences and the construction of a training Program for the complete LR as well for each study case and the implementation. An interesting fact is that the LR gave the chance to the experiences considered as case studies to enhance the understanding of their own

trajectory and contributed to a better value of the action oriented research results. The mainstreaming of these topics as analysis variables improved the grassroots organizations domain over their knowledge assets (empowerment) and gave a new perspective to compare and read together between projects.

Topic	Sub-topics
Obstacles and opportunities to women's access to land and gender equality in land's tenure.	<ul style="list-style-type: none"> - Gaps produced by legal frameworks and public policies effects. - Customary laws and social practices. - Relationship between land access and other resources.
Outstanding stakeholders in women's access to land.	<ul style="list-style-type: none"> - Women's agency and empowerment strategies. - The role of State and public policies. - The role of community in rights' security.
Gender implications of socioeconomic transformations.	<ul style="list-style-type: none"> - HIV/AIDS' impact on access to land. - Situations of armed conflict and post conflict. - Migratory tendencies and sedentarisation process (pasture communities).
Challenges and contributions of action-oriented research to foster women's access to land.	<ul style="list-style-type: none"> - Successful and unsuccessful tools and methods used in projects dealing with this field. - Projects' contributions to understanding of women's access to land problem and of gender relations in land's tenure. - Impact of action-oriented research on communities where they take place. - Impact of action-oriented research projects on public policies: Advocacy issues.
Achievements at a national level in influencing policy and legislation to support pro-poor land rights	<ul style="list-style-type: none"> - Links between national land alliances and evidence from member organizations on the ground in influencing policy formulation. - Alliances-building at the national, regional and international to influencing land policy. - Innovation in influencing land-related policy. - Overcoming barriers to civil society engagement in policy formulation and implementation.

Participant in the LR

An open call was made to the several organizations involved in the Action Research Project supported by the ILC and the Makerere University, as well as partners in Latinamerica and Asia.

Finally a group of 24 people participated in the LR, having representation of 9 different countries and 16 different projects. For almost every organization a team of two persons participated: one representative of the project supporting NGO and another from the grassroots organizations they partner with. The objective was to build capacities and confidence between people and organizations that can be sustainable in time. In the majority of the cases the objective was fulfilled, even a few did not demonstrate true interest and commitment with the training. A recommendation for next opportunity is to make increase the level of competition to be part of the Route as well to reduce the size of the group for a better networking.

Another highlighted result is the impact of the training among grassroots leaders, profile who appreciated largely the exposure opportunity, traditionally concentrated at the technical level. In fact the Route showed the pertinence of allocating more resources at the local level as it's the one where the women access to land problems are solved without big resources and giving sustainability to the women movement, evidencing the strength of a bottom up policy influence approach.

Participants List

Num.	Organization	Country	Name	Last name
PARTICIPANTS				
1.	GROOTS Kenya	Kenya	Jane	Nyokabi
2.			Hellen	Kamiri
3.	ULA & UMWA	Uganda	Joyce	Lubwama
4.	Forum Mulher, UNAC Amudeia and Cruzeiro Do Sul	Mozambique	Julia	Mpfumo
5.			Teresa	Boa
6.	PLAAS	South Africa	Gaynor	Parazda
7.	MISR	Uganda	George	Bogere
8.	Fundación Tierra	Bolivia	Patricia	Costa
9.	SIF, HARDI, FVTM FOFIFA and Reseau Soa Madagascar	Madagascar	Ramaroson	Mino Harivelo
10.			Lilia	Hantanirina
11.	Action Aid	Uganda	Lucy	Ojiambo
12.	Uganda Rural Development Training Program	Uganda	Resty	Namubiru
13.			Edinansi	Kyakuhaire
14.	FHRI & AHURICA	Uganda	Mercy	Owomugisha
15.			Fidah	Nantumbwe
16.	YWAP	Kenya	Susan	Muthoni Maina
17.			Flory Loise	Atieno
18.	WFA and CAAS	Zimbabwe	Eva Sekai	Mutenga
19.			Fadzai Bianca	Chiwere
20.	WOLREC and Gender Experts Malawi	Malawi	Gift	Mauluka
21.			Evelyn	Milanzi
22.	South Development Consultancy Services (SA and UK)	South Africa	Saranel	Benjamin
23.	ALRD	Bangladesh	Rowshan	Jahan
24.	KLA	Kenya	Wilkister Achieng	Oduor

The heterogeneity of the group allowed them to agree on basic ideas and common strategies to advocate in favor of women access to land, improving the alignment of the ILC and partners for the next years of work. Also the inclusion of ILC members from outside of ESA allowed the ILC to start new gender focused activities with Fundación Tierra and ARLDT as partners with a solid conceptual and instrumental base and opened also the chance to think about a global thematic network or thematic community where the stock of best practices and innovations can be exchanged.

Innovation Plan

From the very induction workshop the participants started to develop an Innovation Plan as a way of capitalizing their learning experience and adopt what they considered useful for their own reality. Along the Route workshop were developed for this, even the evaluation showed that the next time more time and energies are needed to define better what can be and can't be done back home. During the closure workshop all innovation plans were publicly presented and the opportunity for feedback given. With those suggestions noted each team of participant after the trip went back home and discussed, adjusted and validated their innovation plan, before it was presented to contest.

The contest received 8 proposals that were evaluated by a jury conformed by a representative of the ILC, one of PROCASUR and one external consultant. Four winners were selected to receive grant support of 10 000 and are now under implementation.

Innovation Plan Winners

1. Forum Mulher, Mozambique: **Apoiando as mulheres a adquirir titulos de terra (Supporting women to acquire land titles)**
 2. Gatundu Mwirutiri Women Initiative (GAMWI) and GROOTS Kenya: **Secure land tenure for grassroots women through information sharing and influencing practice**
 3. Plateforme SIF, Madagascar: **Enhancing women's agency in terms of access to and control over land in the central highlands of Madagascar**
 4. Uganda Rural Development and Training Programme (URDT): **Rural women and men advocate for access and control of land**
-

The Innovation Plans elaborated during and after the trip evidenced: i) the process of learning from each of the participants in the Route; ii) is considered key to follow up and understand the impact of the Route and the processes that triggers among indirect beneficiaries; iii) that not all but several of the ILC's members can implement projects in direct communication with the technical secretariat in Rome; iv) that's an excellent tool to build in partnership new initiatives sensible to the ILC guidelines and the members demands and opportunities; v) finally, that the new initiatives supported by the ILC must combine effectively research and action, increasing the active participation of grassroots organizations and advocacy at the local and national levels.

Dissemination of results

Across the design, preparation and implementation of the LR activities and products for capitalizing the experience has been created. At the beginning PROCASUR prepared a situation diagnosis for a better understanding of the women access to land thematic, than reported the first mission for engaging the case studies in the training as service providers.

Starting with the call, PROCASUR created a Virtual learning Community for posting documents and news (<http://procasur.org/ilcwomenland/>) that last even today as a tool for taking advantage by others and in other moments of the LR experience. This virtual space supported text and multimedia documents, and is complemented by the interactive blog that Sabine Pallas wrote during and after the trip (<http://www.landcoalition.org/wp-content/uploads/learning-route-all-blog-posts.pdf>).

Learning Route Webfly



ANNEX I

Brief evaluation of the Case Studies

The Collaborative Action on Land Issues (CALI)

Uganda Land Alliance, Uganda

The experience of ***the Collaborative Action on Land Issues (CALI) Project*** – Research and action for pro-poor land policies and practices, offers a good example of how support collaboration among government institutions, civil-society organizations and rural stakeholders can successfully influence land public policies.

This project, developed simultaneously in Uganda and Niger, has been considered as extremely successful, building a history and culture of collaboration on land policy and practice issues with very good possibilities of sustainability in the contexts where it was executed. Also, the achievements of the project were much higher compared to the funds allocated due to the appropriation of the process by different stakeholders who participate actively during the different stages of consultations and lobby.

This multi-year project was funded by the Belgian Survival Fund (BSF) through the International Land Coalition, with the collaboration of the International Fund for Agricultural Development (IFAD), and was implemented by local partners in each country: in the case of Uganda, CALI was implemented through the Uganda Land Alliance (ULA) and in the case of Niger, by both the PPILDA project of IFAD and the Secrétariat Permanent du Code Rural.

In the case of Uganda, the CALI project aimed to build sustainable collaboration among government and civil-society stakeholders, intending to influence the National Land Policy in order to strengthen the land rights of Uganda's rural poor. With the overall objective of *contributing to rural poverty reduction by increasing household food security and incomes through the interventions that will improve secure access by rural poor to productive land, water and related productive factors*, the specific objectives considered i) to influence the development of the pro-poor National Land Policy and ii) to improve civil society organizations and other stakeholders engagement with government in the National Policy development processes.

Beyond the improved collaborative relationships built by the members of the project's Steering Committee, the research results and recommendations of Uganda version of the CALI has been used by Parliamentarians, especially in forest and pastoral tenure issues, and even they have been used in the drafting of National Land Policy. Furthermore, rural citizens in select communities are now informed about national land policy development process and the reports produced by CALI have circulated among involved stakeholders.

Participants in the learning route had chance to meet a panel of prominent personnel from the government ministry of lands, CSO representatives and a cross section of stakeholders who conducted a discussion on the findings of the CALI project and its bearing on the National Land Policy as well as the processes undertaken in the development of the Policy.

During the ensuing discussion it was evident that all the stakeholders whether from government or the CSOs there was a consensus of the fact that Land is an issue of concern to all citizens of Uganda irrespective of the gender.

According to the government representative who presented the statement on behalf of the Minister; participants were brought to understand that the government is taking all measures viable to ensure that issues pertaining to land which includes women's access to land are amicably handled. The government was appreciative of the role played by women and is determined to ensure that the distribution and use of land by women is geared at ensuring they have security of tenure. To this end the National Land Policy formulation in its on going processes seeks to incorporate all views generated by the different stakeholders.

Mr. Oput Richard one of the discussants on the panel noted that indeed there is need to applaud the efforts made by the government although these he said are not satisfactory since the interventions by CSOs and even the views of the people are not necessarily reflected in the whole process.

An attending member of the general public raised concern of who exactly is consulted among the people since they do not get to be consulted yet they keep hearing that they have been consulted and their views What the participants were able to draw from this discussion is the fundamental necessity of having all inclusive stakeholder processes in any policy formulation and influencing strategies so that the people can own the processes and ensure their sustainability.



Voices of Women's Aspirations over Land and Land Matters

URDT, Kibaale, Uganda

This case covered the area of Western Uganda in the district of Kibale, Buyaga subcounty taking in the Communities of Nyamacumu and Nyamitti parishes. Kibaale district is historically known for volatile land issues spanning from the governance structures of the colonial administration. Recently, land issues have gained in the district momentum with debates on restitution of the land formerly donated to Buganda in the 1900 Agreement by Britain to Bunyoro. Matters have become intense as Kibaale with its neighbor districts has been identified to have potential oil deposits.

Women in Kibaale district are faced by challenges of secure tenure due to a number of factors one of them embedded in the practices that ignore women's interest in land and land matters. In particular, women in early and unconsensual unions are at risk of not enjoying security of tenure. In Kibaale, land related disputes are more prevalent in Buyaga County and it appears that patriarchal arrangements are still deep rooted; in spite of massive national and local sensitization efforts on the land and succession laws. It was evident from the research that women did not pay attention to sensitization efforts, *"because the subject of land is a male concern, not women. So whenever the land programme went on air, we switched off the radios or tuned to another station"*, shared Omuhereza Kobumu.

URDT (Uganda Rural Development Training Program) noted that women practices and assumption of land ownership is hinged on the institution of marriage; when marriage ceases or is threatened so is the women's access. The quasi ownership is unveiled at the time of death of spouse, divorce or separation. They start reacting to the circumstance around the threat of dispossession often when it is too late. URDT sought to take a pro-active strategy to examine the aspirations of women by marital status and how these aspirations can be attained.

On a positive note, participants establish the power of knowledge but more important of taking actions, the women in Kagadi who were once unaware of their fate on the land that they occupied, once sensitized realised the essence of having ownership and embarked on saving schemes to be able to raise enough money to be able to purchase the pieces of land that they were utilising and seek to get titles from the owners. Some pending issues are:

URDT 'visioning' approach - a shift from responsive or reactive orientation of research (problem-solving), towards fostering creativity by envisioning positive change, focusing on what changes are most important to people in the community and on steps they can take – one at a time – to get there. The women involved in the action-oriented research project presented the results of their visioning to us – presenting the choices they have made over the last 2 years to promote change: quite amazing what has happened in this community, for instance, the women founded their own savings and credit cooperatives to make loans to group members and help them invest in agriculture or setting up a small business; but more importantly, poise and self-confidence which the women said they gained – and they were very confidently standing up in front of a large part of the community present (including leaders) to talk about their problems and how to address them.

Sabine Pallas

- i) There was still confusion amongst community and local officials of the interpretation of the laws regarding land.
- ii) Some men were still reluctant to accept the laws pertaining to land equality and rights of women.
- iii) There was also absence of Women Leaders especially Politicians going back to their fellow men to seek their opinions about the existing land laws and they support to affected rural women.
- iv) The societies were still observing customary and social practices that are a major obstacle to women having access to Land.

Key Lessons learnt:

- i) It is important to ensure that all stakeholders are aware about the land laws; the sensitization not should not only concentrate on the women but men should be entirely involved to ease the implementation and resistance.
- ii) There should be enough consultation all the way from grassroots level to the top whitest collar of the society.
- iii) Laws should be printed and distributed in the local languages at the smallest of administrative units so that everyone can understand the laws rather than rely on word of mouth.



IN-ROADS INTO THE IMPLEMENTATION OF THE SPOUSAL CONSENT CLAUSE OF THE LAND ACT OF 1998: A CASE OF KAYUNGA DISTRICT

FHRI & Ahurica, Kayunga Uganda

Land is a very important source of livelihood for Ugandans and especially for those who live in Kayunga District, as it is one of the main districts in Uganda which is agricultural based. Since women in homes are the ones who usually till the land from which food is got for sell and home consumption, they are greatly harmed when this land is deprived on them.

Women are a vulnerable group as they have a unique status when it comes to issues of property ownership especially in marriage and families as a whole. The 1995 Constitution of the republic of Uganda provides for the emancipation of women and this is reflected in the Land (Amendment) Ac. which is to the effect in section 38A that consent of one spouse must be obtained before the other spouse can make any transaction with the family land which includes selling, pledging, mortgaging, exchanging or any transfer of that land. A transaction executed in breach of this clause is null and void. However many women still fall victim to land sells by their husbands.

The principle of spousal consent clause is to protect women's rights over family land. These rights are derived from the marital contract and they should be protected to accord security of tenure and uninterrupted livelihood. FHRI and AHURICA experience in Kayunga district is that the proportion of land sales without spousal consent in a period of 5 years was 34%. In 2007 alone, about 50% of the land cases reported was in relation to violation of the consent clause.

Basing on the above, FHRI and AHURICA carried out in Nazigo and Kangulumira sub-counties, Kayunga District. It mainly focused on women who have been victims of the violation of the clause, women who have access to land, men, youth, district officials, judicial officers, law enforcement officers and local leaders

Key Lessons Learnt:-

- The research evidenced that most of the women were not aware of their security of tenure on land owned by their deceased husbands or even during their intervivos period of the need to obtain their consent before the land is disposed off. After getting sensitization through the action oriented research some of the women were able to enforce their rights and get protection against being indisposed by their husbands or their surviving relations.
- All stakeholders right from the local gvernment have a role to play in ensuring that the rights of the women are not violated.
- The lack of fulfilling the action oriented part of the research reduced the learning potential of the experience.



COMPLIMENTING THE STATE? THE CONTRIBUTION OF THE "WATCH DOG" GROUPS IN PROTECTING WOMEN' LAND RIGHTS IN GATUNDU DISTRICT, KENYA

Groots Kenya, Gatundu, Kenya

HIV AIDs had devastated Communities in Africa and Kenya has experienced phenomenal HIV infection rates and as such AIDS Strategic Plan 2005/6-2009/10 of National AIDS Control Council, approximated 15% of the population between the ages of 15- 49 is infected with HIV. The deadly HIV/AIDS epidemic magnifies the plight of women's property rights violations. In this situation, women's rights to own, inherit, manage and dispose of property are under constant violation from traditional practices, individuals and institutions including the government officials; who believe that women cannot be trusted or deserve to own property.

GROOTS-K (Grassroots Organization Operating Together in Sisterhood) experience has shown that HIV positive women mainly widows are thrown out of their matrimonial homes and their land grabbed as they are blamed for their husbands' death and or feared to die within a short period of time. Due to lack of enough information on land rights including legal documents to lodge court cases against perpetrators, widow's ability to control land and other family assets is threatened. It is further accelerated by high legal fees and corruption among some government institutions. Consequently, grassroots communities, assisted by GROOTS Kenya have formed Community Land and Property Land Watch Dog Groups (WDG) which mainly comprise of care givers, paralegals, elders and local government leaders at the smallest unit who join efforts to safeguard against these violations. In Particular GAMWI-Gatundu Mwiruturi Womens Initiative based in Kairini Trading Center in Gatundu district is one particular WDG that has been seen as a role model and important experience for others to study and replicate. GAMWI has been a huge success and played an important role in the formation of other WDGs in other Districts in Kenya.

Main Results:-

- i) It was observed that Watch Dog Groups were a vital stabilizing force in the Area and was also playing a vital role in collaborating on observing as eagle's eyes for the community the workings of the Village Chiefs particularly in aspects of land conflicts and ensuring that the rights of widows and orphans to their deceased land are not violated.
- ii) WDGs were also a strong foundation for the nurturing of women leaders as well as providing a Platform to voice out the aspirations and problems facing them.
- iii) It was noted that WDGs were playing a vital role in driving of policy issues from a local to a national level as the WDGs were recognized by government of Kenya and also providing counsel to the officials in Land Ministry.
- iv) Having an identity document providing marital bondage was a vital security to women and provide protection to families in case of demise of the head of that family.

Community watchdog groups at GAMWI – one of their core activities: working to protect women's rights by forming watchdog groups at community level woman can appeal to for help in claiming her inheritance rights. The watchdog groups include members form the community, elders, paralegals, male and female – focus on reconciliation of families. WDGs run on a volunteer basis, evident that that's a key factor for their successful resolution of disputes in the community.

Sabine Pallas

Lessons Learnt:

- i) Groups such as WDGs are vital in society especially in fighting for rights of women and orphans. Where the local administrative forces cannot operate, WDGs do provide the necessary services.
- ii) Women can use the WDGs to reach empowerment in all aspects be it economic, social and Political. They provide women a sense of belonging, team work and aspiration.
- iii) Governments can also provide services and channel their programs effectively through WDGs as these groups have a good outreach in the local community.
- iv) The experience was able to show how community was able to counter the negative social and cultural practices affecting women's right to land; the WDGs were able to counter these practices but also maintain harmony in community, managing conflict.
- v) Research played a vital role in helping this community to build and strengthen their skills especially in team work, collaboration, the essence of learning from others was an eye opener on what can be done differently and negotiation.



ASSISTING KAYOLE WIDOWS IN ACCESS AND CONTROL OF FAMILY LAND

YWAP, Kayole, Kenya

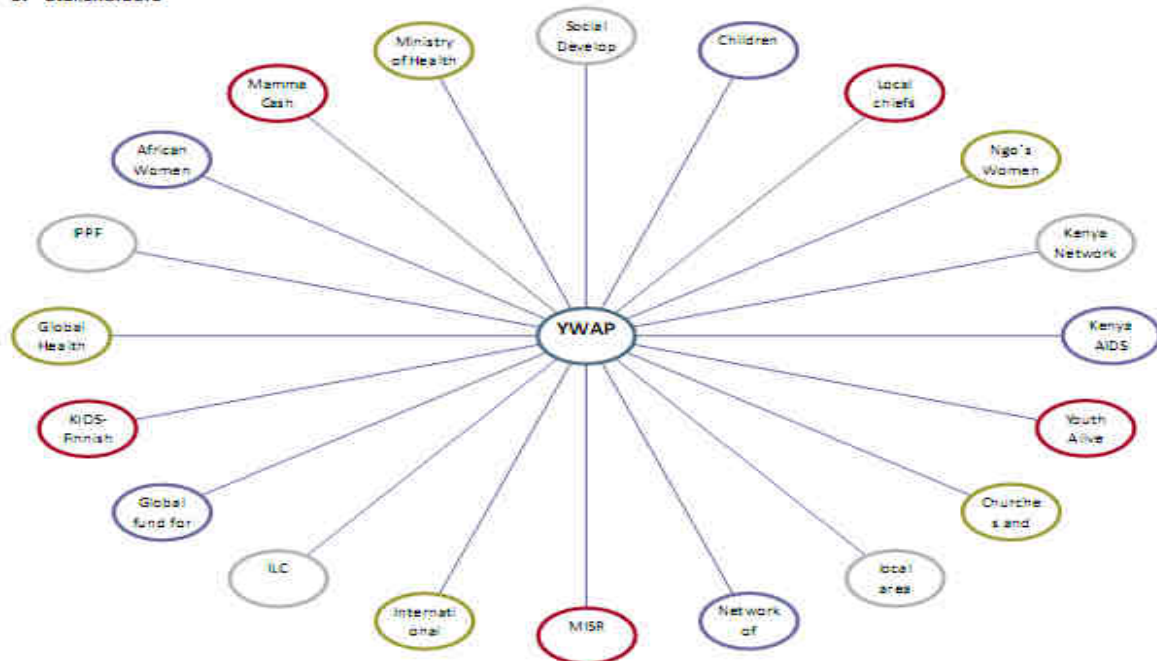
Many widows in Kenya experience property grabbing after the death of their husbands, especially young ones. This is in spite of legal provisions under the Succession Act (1981) which stipulates that women have the right to inherit property as dependants of the deceased. The simultaneous existence and application of customary, religious and statutory law serve to create confusion and opportunism as regards family property, custody and maintenance of children. While property grabbing continues unabated it is the widow to take care of themselves and their children empty handed, so they may go to towns to engage in minor trade, prostitution and odd casual jobs.

Young Widows Advancement Program (YWAP) is a self-help community-based organization started informally a decade ago by five young widows whose spouses had died from HIV/AIDS. All five women had been chased away from their matrimonial homes and had tested HIV positive. Because of HIV/AIDS-related stigma they met secretly to support each other through sharing of experience and organizing Merry-Go-Round where the widows would support each other through collection of a given sum of money over a specified period and use the raised income to uplift each other's status either through purchase of household items or start businesses.

In 2003 YWAP was registered as a Community based organization for and run by young widows. Since its inception the group is dedicated to advance the welfare of widows and orphans focusing on their property and inheritance rights. The group operates from a Rescue Centre for young widows and orphans in Kayole Estate in Nairobi Kenya. Kayole Estate is in Embakasi Division of Nairobi and has an estimated population of 350,000 voters currently the largest constituency represented in the Kenyan parliament. Being a moderate slum estate most young widows who lose their matrimonial homes tend to end up in Kayole.

It is evident from young widows registered with YWAP that many young widows lose the property left by their deceased husbands especially land often located in the rural areas. Majority of these widows are from Rachuonyo district and Siaya.

3. Stakeholders



Main Results:-

- i) HIV AIDs is a serious problem in Kenya but also a silent driver towards discrimination and harassment of women in their right to accessing and owning land.
- ii) Laws were in existence that provided constitutional right of all people whether women or those with HIV/AIDs to access to land but these laws were being violated and government was not vigilant enough for ensuring its implementation. For instance the land tribunals have low women representation and as such, their voice remains unheard.
- iii) Women in the communities were barely surviving; living conditions were in a bad state and had no access to credit of funds to undertake any meaningful economic activity.
- iv) Media plays an important role in the dissemination of plight of affected communities experiencing problems. The women in Kayole used the media to publicise the fate and troubles facing the HIV infected women deterring the bad practices affecting them.
- v) It is important that Communities build systems to counter gender discriminative practices affecting them. YWAP is such a case where a group of people came together and stood by each other. Bondage has been created and the women have been able to voice out the bad practices affecting them.



KENYA LAND ALLIANCE SUPPORTING POLICY INFLUENCE

KLA, Nakuro, KENYA

In Kenya the participants attended a panel discussion organised by the Kenya Land Alliance. From the discussions it emerged that Kenya experienced one of the worst violence in many years in 2007. This was as a result of disputed election results, particularly the presidential elections. As a result many people were displaced. The panel discussion comprised of discussants from the academia and civil society victims of the post election violence who had been displaced and CSOs.

The alliance undertook reform advocacy strategies that would facilitate inclusion in the Land Policy formulation a framework that would put in place stipulations on land ownership, use and management effected by the government. According to KLA representative on the panel for long there has been gender imbalance in the area of resource allocation and women access to decision blocked.

KLA thus entered into partnership with the IDPs to advocate on the process dubbed *Operation Rudi Nyumbani*, or operation return home. For all practical purposes, it was a forced repatriation of communities displaced from their homes as no efforts were made to ensure their security, or re-integration into the communities. Beside this, many could not return home for numerous reasons, and still remain in camps to date, while others returned to their old neighborhoods only to establish transit camps that gave them security in numbers, and in which they have resided to date. Through this advocacy the government paid to the IDPs a resettlement fee that some of them put together and purchased land that they were now settling on. Key issues emerging from the KLA panel and IDP camps;

1. The majority of the population in the camps are women headed households. These comprise of;
 - Women who have separated with their spouses largely because of tribal differences and also due to pressure of poverty,
 - Women whose husbands disappeared during the clashes who find it difficult to return to their former husbands' farms since the land were owned by the husbands and not jointly.
 - People who were tenants in the affected farms but never owned them.
2. Most IDPs who could not return home have bought or rent land elsewhere for their own resettlement. This process is riddled with corruption, particularly perpetuated by some government agencies that would otherwise be helping the victims of displacement find peace. Cases of the IDPs leadership being compromised have been rampant.



ANNEX II

Obstacles and Opportunities to Women's Access to Land and Gender Equality in Land tenure.

Gaps produced by the Legal framework and public Policies Effects.

In the course of the Learning Route, it was observed that though Laws were put in to place to address problems concerned with Land especially with respect to Gender the laws were in place were simply being violated, disregarded, misinterpreted and not effected by the State organs and community. Most critical of all was the fact the laws were also not understood by the people meant to protect because of the lack of sensitization, resources and specifi strategies by the authorities at the local and national levels. It was observed that the women in rural areas were ignorant of the law, not aware of any changes in the laws or even consulted in the formulation of these Laws which were meant to enable their access to land and property.

In Uganda and Kenya, all cases visited cited the fact that the Laws put in place were also clashing with the local customary practices and as such creating a problem of their enforcement. It was an important issue that whenever a conflict arose in some of the tribes, the customary laws usually would take precedence over the existing laws and yet the customary laws were in violation of the women's access to land. Cases cited were among the Kamba, Luo and Kikuyu tribes in Kenya.

The laws in place were also found to contradict each other in terms of the different sections that were enacted. The same applied to Uganda and Kenya, where the communities pointed out these contradicting sections which would make the implementation of the laws difficult.

Customary Laws and Social Practices.

The customary laws and social practices were observed to be a major obstacle towards women's access to land and property as cited above in terms of gaps produced by the legal frameworks. The statutory laws in Uganda and Kenya were all subordinate to customary laws in most instances and customary laws along side with the social practices were in violation of women's rights providing little or no protection in the access to land and property.

In Kenya, the problem was very rampant especially in the western districts notably Siaya and communities cited to be the biggest violators were the Luhya, Luo , Kikuyu and Kamba. The women cited cases where the widow would be asked to be involved in a cleansing practice , be inherited by someone chosen by the dead husband's family which would expose the widow to HIV AIDS or be chased away from that family thus losing the land which, her main source of livelihood.

These customary and social practices are known by the politicians and legislators and some have been victims of the same, but no long-lasting, concrete and pertinent steps have been taken to protect the women even when the law is against them.

Relationship between Land Access and resources

In terms of relationship between land access and other resources, it was observed that women's access to land was important and enabling driver to undertake economic activities.

Land is an important resource to all gender not only the women, but the women take the brunt of having no or limited access to land as at times women in the African context take the premier role of feeding the families. Women as mothers have to toil to ensure that there is food to eat and lack of access to land is a problem to also other resources especially borrowed funds in Banks or Small Credit Institutions because it is a good security. Access to land is wealth in the african communities and land has been the domain of men with little regard to women.

There are few instances in which women have personally bought land with their resources or inherited land from their parents then have the women, then have the women stood out in the communities and been able to access other resources as well.

In Uganda, the best example of this situation can be reflected from “the Visioning and Aspirations of ...” under the URDT experience where women who had no land joined together and undertook a reflection of what their lives would be if they had access to land. The experience involved women who are in a rural area who had no access to land but wanted to improve their source of livelihood and embarked on the best way to improve access to land was by having land but with right documents as the land they were living on and using was owned by someone and hence were considered squatters. In this case women sought help as regards how to process on getting land and initiate collective economic and financial activities for a better livelihood.

Outstanding Stakeholder in Women's Access to land.

Women's agency and empowerment Strategies.

Women have aspiration to own and access lands are part of the rights enshrined in the Ugandan and Kenyan Constitutions and the general Millennium Development Goals. the fight for these rights have been spearheaded by a number of groups and during the Learning Route, GROOTS Kenya provide the most astounding example of agency in empowerment strategies amongst women. In Uganda, URDT and FHRI/AHURICA also play an important role in the fight of women's access to land.

For Instance, GROOTS provide a good example of an institution that has worked with local communities in Gatundu District helping women form Watch Dog Groups which are now important players in the Kenyan Local administration and women are now consulted on issues to do with land.

In Uganda, the Foundation for Human Rights and Association for Human Rights and Civic Awareness (AHURICA) have also been involved in helping women in Kayunga District of Uganda to understand the Land Laws especially the Spousal Consent Clause, how it works and what kind of protection is offered to the women.

The role of the State and Public Policies.

The role of the state in the access to land and protection of women's rights has been through enacting laws that provide protection and allow equal access to land. This role has been performed through the

ministries and departments concerned with land issues in the respective countries as well as civil society bodies.

The Kenya and Uganda Land Alliances have been very instrumental in working together with Governments of their respective countries, building educational programs about Land Law and Acts for the grassroots organizations and communities and also ensuring that views of the societies are passed back to the legislators and politicians to draft appropriate Laws. In Kenya, the KLA has played an important role in the Land Reform Policy and has been instrumental in resettling Refugees who were affected by the Political Violence in the Rift Valley in Nakuru and Molo. The KLA has helped the women resettle by providing them with a voice to air their views about Land and also acquire land to resettle, influencing public action.

The role of the community in rights security.

There is perhaps no bigger defender of the rights of the community other than the citizens themselves. In all cases visited, the community provided different experiences of how they were defending their rights. Communities in Kayole under YWAP and Kairini under GROOTS/GAMWI provided good examples of how local communities can protect women rights to land. In Gatundu, the WATCH DOG Groups have been key in ensuring that members of the local community enforce the laws through the formation of Paralegals and their linkage with the village chiefs and public offices. The WDGs have been able to monitor the land disputes, advise the traditional and secular authorities and avoid to bring local problems to a higher level of arguing, many of them cases were solved at the local level through WDG mediation between the parts.

In Kayole, under the YWAP, the widows have been able to group together to provide refuge to chased away widows living with HIV/AIDs. They have also publicized cases using media so that attention is made and victims are able to win back their rights.

Gender Implications of socio-economic transformations.

HIV AIDS' Impact on access to Land

In many cases having HIV AIDs has been an obstacle to get access to Land. In all the territories visited by the LR, certain cases were reported of this situation but in Kenya, the numbers turned out to be bigger and more noticeable especially under YWAP which seemed to be more organized and known in Kenya than in Uganda. The YWAP based in Kayole had a number of infected women from most parts of Kenya and all sought refuge at its rescue center before being able to find an alternative home. The stories told by these women reflected how societies of their husbands forced them to leave their lands and property by accusing them of having brought the disease and shame to the families., even infertility to Land, In this case the women having no knowledge of the law and no one to turn to sought refuge at YWAP to help them fight back for their lost properties.

In Uganda, an infected widow in Kagadi under URDT told of a story how she was denied a loan from a bank because the loan Officer knew she was HIV infected.

In order to overcome these hurdles, the women in URDT formed a Credit Cooperative to provide loans including those infected with HIV, while YWAP provides small business loans to its members as start up for businesses, which should be insufficient in terms of the amount as well as the skills to start over in a totally new environment for them such as Kayole in Nairobi.

Situations of armed conflict, post conflict and migratory tendencies.

Any armed conflict is likely to create problems in terms of access to land and property. In the LR, this problem was noticed in Kenya where the last general election resulted in tribal conflict between the Luos and Kikuyus which caused displacement of respective communities and the situation was more pronounced in the Rift Valley around Nakuru and Molo. In this aspect as cited previously, the Kenya Land Alliance helped the resettled refugees and also tried to give alternatives to the displaced communities in going or not going back home.

Migratory tendencies have especially affected the pastoral communities, during the LR KLA and ULA showed how the embedded a section in their respective Land Policies for protecting these communities. At the moment, ULA is working out a project of resettlement of the cattle keeping community in Karamoja and KLA is doing the same to protect the Pokot. A lack of clear land policy protecting the above communities leads to violation of their rights and territory.

Challenges and contributions of action oriented research to foster women's access to Land.

The Project contributed tremendously in understanding the rights of women in terms of access to land, the importance of women having access to land and also showing the negative aspects of customary and social practices allowing women to access land. The project provided opportunity to share the experiences of the different cases and show how women are affected and can fight for better policies to accessing land.

The research also played an important role in strengthening the communities research skills, team work, linking community with the government and the academia, providing communities a voice to air out their concerns and also be able to learn from other communities.

In terms of impact on the public policy and advocacy, the action/research project was able to bring out salient issues that are affecting the communities and which the people in policy making decisions ought to improve on to make life meaningful to the affected communities

Finally the project allowed the participants of the LR to identify innovative methodologies as the visionary approach or the home interview, used by URDT and YWAP respectively. In the same line, this exercise showed the pertinence of qualitative approaches and the inefficiency of traditional tools to explore this problematic issue. A big tension between practitioners and academia was identified, making clear the need to improve the participation of the grassroots organizations in the design, implementation and follow up of the projects.

ANNEX III

TRAINING SCHEDULE

Dates	Titles	Location	Activity
Sunday 07 March	Participants reception/Arrival	Kampala	<p>Installation into Primrose Hotel Plot 19 Luthuli Drive, Bugolobi, Kampala Tel: +256 41 422 0271 reservations@primrosesuites.co.ug / http://www.primrosesuites.co.ug/index.htm</p> <p>19:00: Welcoming Remarks and Dinner 20:30: Night in Kampala</p>
Monday 08 March	INDUCTION WORKSHOP	Primrose Hotel Halls, Kampala	<p>09:00 – 09:30: Opening of the Learning Route 09:30-10:15:- Presentation of the Learning Route 10:15- 12:15: Innovation Share Fair 12:15-13:30: Lunch 14:00 – 19:00: Travel to Kibaale 20:00: Installation Hotel 20:00: Dinner 21:00: Night in Kibaale</p>
Tuesday 09 March	CASE 1: URDT, KIBAALE	Kibaale	<p>08:00 -09:00: Breakfast 09:00 – 10:00:- Introductions to the Project: Voices of Women's Aspirations over land and land matters: The case of Kibaale district URDT 10:00 – 13:00:- Field Visit, 1st part 13:00 -14:30:-Lunch 14:30- 17:00:- Field Visit, 2nd part 17:00:- Depart for Hotel 18:30 – 20:00: Analysis Workshop Case 1. 20:00: Dinner</p>
Wednesday 10 March	INNOVATION PLAN WORKSHOP	Kibaale Kampala	<p>06:00:- 07:00: Breakfast 07:30 - 13:00: Return Kampala 13:00 - 15:00 Lunch Panel: Land and Public Policy in Uganda: the experience of CALI project influencing land policy</p>
	CASE 2: CALI PROJECT, UGANDA	Mukono	<p>15:00 – 17:30: Travel from Kampala to Mukono 17:30: Installation Hotel 19:00 – 20:00:-Innovation Plan Workshop 20:00: Dinner 21:00: Night in Mukono</p>

Dates	Titles	Location	Activity
Thursday 11 March	CASE 3: FHRI & AHURICA	Kayunga	07:00 - 08:00 – Breakfast 08:00 – 09:00 – Travel from Mukono to Kayunga 09:00 – 10:00 - Introductions to the Project: In-Roads into the implementation of the Spousal Consent Clause of the Land Act of 1998: A Case of Kayunga district (FHRI & AHURICA) 10:00 – 13:00:- Field Visit, 1 st part 13:00 -14:30:- Lunch 14:30- 17:00:- Field Visit, 2nd part 17:00 – 18:00: Break 18:00 – 19:00 Dinner 20:00 Night in Mukuno
Friday 12 March	CASE 4: KENYA LAND ALLIANCE	Nakuro	04:00 – 13:00 Travel from Mukuno to Nakuro 13:00 – 14:30 Lunch 14:30 – 17:30: Panel with the different stakeholders involved in the KLA facilitation project for policy influence 20:00: Dinner 21:00: Night in Nakuro
Saturday 13 March	CASE 4: KENYA LAND ALLIANCE	Nakuro	08:30 – 09:30: Breakfast 09:30 – 13:00: Field visit to projects in Nakuro linked to KLA 13:00 – 14:30: Lunch 15:30 – 17:30 : Analysis Workshop Case 3 and 4 18:00 – 19:00: Group work on the innovation plan 19:00 – 20:00: Dinner 20:00: Night in Nakuro

Dates	Titles	Location	Activity
Sunday 14 March	CASE 5: GROOTS & WDG	Gatundu	06:30 – 07:30: Breakfast 07:30 – 10:00: Travel from Nakuru to Gatundu 10:00 – 11:30: Introduction to the project: Complimenting the State? The contribution of The “Watch Dog” Groups In Protecting Women’ Land Rights in Gatundu district (GROOTS & WDG) 11:30 – 13:30: Field Visit, 1 st part 13:30 – 14:30: Lunch 14:30 – 17:30: Field Visit, 2 nd part 17:30 – 20:00: Travel from Gatundu to Nairobi 20:00 – 20:30: Check in Hotel Nairobi 20:30 – 21:30: Dinner 21:30: Night in Nairobi
Monday 15 March	CASE 6:- YWAP	Kayole	08:00 – 09:00: Breakfast 09:00 – 10:00: Travel to YWAP Center 10:00-11:00:- Introductions to the project: Assisting Kayole widows in access and control of family land (YWAP) 11:00-12:00:- Dynamics by the members of YWAP 12:00-13:30:- Lunch 13:00- 17:00:- Visit in groups to the house and neighborhoods’ of different YWAP members. 17:00:- 18:00 Travel to Hotel 19:30 – 20:30: Dinner 20:30: Night in Nairobi
Tuesday 16 March	CLOSURE WORKSHOP	Nairobi	08:00 – 09:00: Breakfast 09:00 – 11:00: Analysis workshop for cases 5 and 6 11:00 – 13:00: Preparation of the Innovations Plans Fair 13:00 – 14:00: Lunch 14:00 – 17:00: Presentation of the Innovation Plans 17:00 – 19:30: Closure Ceremony 20:00: Dinner 21:00: Night in Nairobi
Tuesday 17 March	RETURN	Nairobi	All day return from Nairobi to different participants countries